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4   **UNITED STATES DISTRICT COURT**

5   **DISTRICT OF NEVADA**

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7   KEVIN ZIMMERMAN,   )
)
8   Plaintiff,   )   Case No. 2:17-cv-00312-GMN-GWF
)
9   vs.   )   **ORDER**
)
10   STARBUCKS CORPORATION,   )
)
11   Defendant.   )
     _____)

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13   This matter is before the Court on the parties' Stipulated Motion and Order to Stay

14   Proceedings and Extend Discovery Deadlines (ECF No. 35), filed on December 21, 2017.

15   The parties request an order staying all proceedings in this case pending the outcome of a

16   motion to dismiss, which has not yet been filed in *Zimmerman v. GJS Group, Inc.,* 2:17-cv-00304-

17   GMN-GWF. In that case, Intervenor State of Nevada has filed a motion to consolidate that has been

18   fully briefed and awaits a ruling. If the motion to consolidate is granted, Intervenor intends to file a

19   motion to dismiss based on, *inter alia*, Plaintiff's alleged lack of standing and failure to state a

20   claim. As a result of the possible motion to dismiss, the parties here are preemptively moving to

21   stay the proceedings so that they do not waste resources going through discovery in the event the

22   motion to dismiss is granted.

23   Upon review and consideration, the Court will temporarily grant the parties' request. If

24   Intervenor's motion to consolidate is denied, the stay will be automatically lifted. On the other

25   hand, if the motion to consolidate is granted and Intervenor files a motion to dismiss, the stay is only

26   effective until the motion to dismiss has been fully briefed. At that time, the Court will reevaluate

27   whether a stay of the proceedings is appropriate after taking a preliminary peek at the merits of

28   Intervenor's motion to dismiss. *See Kor Media Group, LLC v. Green*, 294 F .R.D. 579, 581 (D.

1 Nev. 2013). Accordingly,

2   **IT IS HEREBY ORDERED** that on the parties' Stipulated Motion and Order to Stay

3 Proceedings and Extend Discovery Deadlines (ECF No. 35) is **granted**, as described herein.

4   DATED this 27th day of December, 2017.

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6   _____
GEORGE FOLEY, JR.

7   United States Magistrate Judge

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